

Subject: Re: CPRA Request

From: [REDACTED]

Date: 6/5/20, 12:21 PM

To: "Caporale, Phil@POST" <Philip.Caporale@post.ca.gov>

CC: "Williams, Jennifer@POST" <Jennifer.Williams@post.ca.gov>, "Sherwood, Elizabeth@POST" <Elizabeth.Sherwood@post.ca.gov>

Hi Mr. Caporale,

If this is meant to be a determination letter for my request it's not sufficient. You must list any DVDs you're withholding. Furthermore, "law enforcement sensitive" is not an exemption under the CPRA. If you're claiming that the 6255(a) balancing test allows POST to withhold some DVDs because the public interest in doing so CLEARLY outweighs the public interest in withholding them. Unless you specify which these are it's not possible for me to understand and potentially contest your refusal to produce these.

Also, thanks for the link. In this case also it is absolutely required to list every video that's being withheld with an explicit statement of why it's being withheld. It's absolutely insufficient to say that some unspecified set of videos are being withheld by authority of section 6255(a). That exemption relies entirely, completely, wholly, solely, on the facts of the individual case. Without knowing the subjects of the videos being withheld it's impossible for the public to evaluate and potentially contest the exemption claim.

Finally, it's incredibly implausible that any of POST's videos are so thoroughly "law enforcement sensitive" that they can't be redacted and released in part, as the law explicitly requires.

In short please:

- a. List the DVDs you're not mailing and state an exemption claim that applies to each individually.
- b. List the videos you're not posting and state an exemption claim that applies to each individually.
- c. For each DVD or video withheld state explicitly that every frame of the video is exempt or else produce a redacted version.

Thanks,

[REDACTED]